

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Wendy Davis, et al.,

Plaintiffs,

v.

Mistie Sharp, et al.,

Defendants.

Case No. 1:22-cv-00373-RP

**MOTION TO EXPEDITE CONSIDERATION OF DEFENDANTS’
MOTION TO STAY SUMMARY-JUDGMENT BRIEFING
SCHEDULE**

On June 6, 2022, the defendants moved to stay the summary-judgment briefing schedule (ECF No. 39). The plaintiffs responded to the motion earlier today, and the defendants have filed their reply (ECF Nos. 42 and 43). The motion is fully briefed and ready for decision.

The defendants respectfully request that the Court rule on the motion before Friday, June 10—the date on which the defendants’ response to the plaintiffs’ motion for summary judgment is currently due. The defendants previously indicated that they would seek mandamus relief from the Fifth Circuit by close of business today, but will likely hold off doing so until Wednesday, as the Supreme Court’s website indicates that more rulings will be announced Wednesday morning, which might (or might not) include an announcement in *Dobbs v. Jackson Women’s Health Organization*, No. 19-1392. The Court may also wish to wait until Wednesday before ruling on the motion to stay the summary-judgment briefing schedule given the possibility that *Dobbs* could be released tomorrow morning. In all events, the defendants respectfully ask the Court to rule on the motion before Friday, June 10, and the Court may wish

to rule sooner if it wants to issue a ruling before the defendants seek mandamus from the Fifth Circuit.

We have conferred with counsel for the plaintiffs and they are opposed to this motion for expedited consideration.

Respectfully submitted.

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Texas Bar No. 496344
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

Dated: June 7, 2022

Counsel for Defendants

CERTIFICATE OF CONFERENCE

On June 7, 2022, I e-mailed Stephanie Toti and Rupali Sharma, counsel for the plaintiffs. We conferred in a good-faith attempt to resolve this matter by agreement but were unable to reach agreement on the issues discussed in this motion. *See* Local Rule CV-7(g).

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on June 7, 2022, I served this document through CM/ECF upon:

STEPHANIE TOTI
JUANLUIS RODRIGUEZ
SNEHA SHAH
Lawyering Project
41 Schermerhorn Street, No. 1056
Brooklyn, New York 11201
(646) 490-1083 (phone)
(646) 480-8622 (fax)
stoti@lawyeringproject.org
prodriguez@lawyeringproject.org
sshah@lawyeringproject.org

RUPALI SHARMA
Lawyering Project
113 Bonnybriar Road
South Portland, Maine 04106
(908) 930-6645 (phone)
(646) 480-8622 (fax)
rsharma@lawyeringproject.org

MELISSA C. SHUBE
Lawyering Project
712 H Street NE, Suite 1616
Washington, D.C. 20002
(646) 480-8942 (phone)
(646) 480-8622 (fax)
mshube@lawyeringproject.org

TANYA PELLEGRINI
Lawyering Project
584 Castro Street, No. 2062
San Francisco, California 94114
(646) 480-8973 (phone)
(646) 480-8622 (fax)
tpellegrini@lawyeringproject.org

DORIAN VANDENBERG-RODES
Shellist Lazarz Slobin LLP
11 Greenway Plaza, Suite 1515
Houston, Texas 77046
(713) 621-2277 (phone)
(713) 621-0993 (fax)
drodes@eecoc.net

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Counsel for Defendants